

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	
)	

PRIVATE PLAINTIFFS' MOTION TO AMEND CONSENT ORDER

Plaintiffs John Barnhardt *et al.* (collectively, “Private Plaintiffs”) hereby move the Court for an order amending the Consent Order entered by this Court on May 30, 2013 (the “Consent Order”), ECF No. 36, to require:

- (1) Defendant, the Meridian Municipal Separate School District (the “District”), to (a) simultaneously submit the semi-annual reports that it prepares pursuant to Paragraph 109 of the Consent Order to both the United States and Private Plaintiffs by February 1 and August 1 of each year and (b) within 30 days of this Court’s order, provide Private Plaintiffs with the unredacted semi-annual reports that the District previously submitted to the United States pursuant to the Consent Order; and
- (2) Private Plaintiffs to maintain the confidentiality of any personally identifiable information included in the District’s semi-annual reports.

This Motion is based on Private Plaintiffs’ supporting Memorandum and the following:

Declaration of Victorien Wu

Exhibit 1: March 30, 2016 email from counsel for Private Plaintiffs to counsel for the District.

Exhibit 2: April 15, 2016 email from counsel for the District to counsel for Private Plaintiffs.

Exhibit 3: April 25, 2016 email from counsel for the United States to counsel for the District.

Exhibit 4: May 2, 2016 email from counsel for the District to counsel for the United States.

Exhibit 5: May 3, 2016 email from counsel for the District to counsel for the United States.

Exhibit 6: May 6, 2016 email from counsel for the United States to counsel for the District.

Exhibit 7: May 11, 2016 email from counsel for the United States to counsel for the District.

Exhibit 8: December 12, 2016 letter from counsel for Private Plaintiffs to counsel for the District.

Exhibit 9: January 12, 2017 email from counsel for the District to counsel for Private Plaintiffs.

For the reasons more fully set forth in the accompanying Memorandum of Law, Private Plaintiffs have a reasonable basis for modifying the reporting provision of the Consent Order, which is a minor and administrative aspect of the Consent Order. This modification will eliminate the unnecessary delay in Private Plaintiffs receiving the District's semi-annual reports, better enable Private Plaintiffs to assess the District's compliance with the Consent Order,

remove the burden currently imposed on the United States to implement time-consuming redactions of the District's semi-annual reports, and impose no additional burden on the District.

Accordingly, Private Plaintiffs respectfully request that this Court amend the Consent Order as set forth herein and order any such additional relief as may be appropriate. In accordance with Local Rule 7(b)(10), Private Plaintiffs have conferred with the United States and the District about this non-dispositive motion. The United States does not oppose Private Plaintiffs' Motion. The District opposes this Motion.

Respectfully submitted this 20th day of January 2017.

/s/ Fred L. Banks, Jr.

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Counsel for Private Plaintiffs

* Pro Hac Vice Admission Pending

CERTIFICATE OF SERVICE

I hereby certify that on the 20th of January 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel record, and that I mailed by United States Postal Service the document to the following: Natane Singleton; Aria Vaughan; and Alexander Chanock.

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